

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald K. Jones Confirmation No.: 8210
 Appln. No. : 10/738,477 Art Unit : 3767
 Filed : December 17, 2003 Examiner : Osinski, Bradley James
 Title : ACTIVATABLE BIOACTIVE IMPLANTABLE MEDICAL DEVICE AND METHOD OF USE

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically filed via EFS-Web to the Commissioner for Patents with the U.S. Patent and Trademark Office on: 12 March 2010

Name (print/type) Crystal Washington

Signature /Crystal Washington/

Date

3/12/2010

To: Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated January 12, 2010 finally rejecting Claims 17 and 18 of the above-identified application.

The item(s) checked below are appropriate:

- ☐ An extension of time to respond to the final rejection was granted on _____ for _____ month(s).
- ☐ A Petition For Extension Of Time under 37 CFR 1.136 will be paid by the USPTO fee portion of the e-filing system.
- ☐ A timely response to the final rejection has been filed.
- ☒ A Pre-Appeal Brief Request and Comments For Pre-Appeal Brief Review are filed concurrently.
- ☒ Fee \$540.00: for filing of Notice of Appeal
- ☐ Not required (fee paid in prior appeal)
- ☒ Charge to Deposit Account No. 10-0750. Two additional copies of this Notice are enclosed herewith.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment in connection herewith to Deposit Account No. 10-0750.

Respectfully submitted,

/Eugene L. Szczecina, Jr./

Eugene L. Szczecina, Jr.

Reg. No. 35029

Attorney for Applicant(s)

One Johnson & Johnson Plaza
 New Brunswick, NJ 08933-7003
 (732) 524-1479
 Date: March 12, 2010